

REMARKS / ARGUMENTS

I. General Remarks

Please consider the application in view of the following remarks. Applicant thanks the Examiner for her careful consideration of this application.

II. Disposition of Claims

Claims 39-76 are pending in this application. Claims 1-38 were cancelled in a prior response. Claim 39 has been cancelled herein.

Claims 40, 41, 47, 48, 50, 54-56, 58, and 73-76 have been amended herein. These amendments are supported by the specification as filed.

Claims 39, 40, 48-51, 54-56, 58, 59, 67-70, and 73-75 stand rejected under 35 U.S.C. § 102(b). The Examiner has objected to claims 41-47, 52, 53, 57, 60-66, 71, and 72-76.

III. Objections to Claims

Claims 73-76 stand objected to as depending from cancelled claims. (*See* Office Action at ¶ 1.) In this response, Applicant has amended claims 73-75 to depend from claim 58, and amended claim 76 to depend from claim 75, as requested by the Examiner. Accordingly, Applicant respectfully requests the withdrawal of these objections.

IV. Rejections of Claims

Claims 39, 40, 48-51, 54-56, 58, 59, 67-70, and 73-75 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,911,282 to Onan *et al.* ("*Onan*"). With respect to these rejections, the Office Action states:

[*Onan*] discloses a method that includes, with respect to claims 39 and 58, a method of drilling a well bore [or consolidating formation particulates surrounding a well bore] comprising the steps of: providing a drilling composition comprising a drilling fluid and a consolidating material; and using the drilling composition to drill at least a portion of the well bore and allowing the consolidating material in the drilling composition to penetrate into the walls of the well bore. With respect to the depending claims, the reference teaches the limitations as claimed, including viscosity < 100cP, the consolidating material being phenolic-based resin; the material further comprising a solvent; the fluid being an aqueous gel or emulsion; the material penetrating the walls; and the composition further comprising a fluid loss control material.

(Office Action at ¶ 3.) Applicant respectfully disagrees with these rejections as they may apply to claims 41 and 58, as amended herein, and all claims depending therefrom.

In order to form a basis for a rejection under 35 U.S.C. § 102(b), a prior art reference must disclose each and every element as set forth in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004). Applicant respectfully submits that *Onan* does not disclose each and every element as set forth in Applicant's claims, as amended herein.

First, Applicant has amended claims 40, 48, 50, and 54-56 herein to depend from claim 41, and thus these claims now include the limitations recited in claim 41. The Examiner previously indicated that claim 41 is allowable over *Onan* and therefore, claims 40, 48, 50, and 54-56, which now depend from 41, should also be allowed over *Onan*. (See Office Action at ¶ 4; see 35 U.S.C. § 112 ¶ 4 (2004) ("a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers"))).

Moreover, Applicant has also amended claim 58 herein to recite allowing the consolidating material in the drilling composition to consolidate at least a portion of the formation particulates surrounding the well bore. However, *Onan* does not disclose a method that includes this step. The epoxy sealants disclosed in *Onan* "become[] a part of the filter cake formed on the walls of the well bore," and then harden to consolidate the filter cake into a stable solid mass which prevents or reduces fluid loss from the drilling fluid, lost drilling fluid circulation and gas migration into the well bore during or after the sealing of pipe therein. (*Onan* at col. 4, ll. 44-52.) However, *Onan* does not teach or disclose the use of a consolidating material to consolidate the formation particulates (e.g., formation sands) surrounding the well bore, as recited in claim 58, as amended herein.

For at least these reasons, Applicant asserts that claims 40, 48, 50, 54-56 and 58, as amended herein, are allowable over *Onan*. Moreover, since "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers," and since claims 49, 51, 59, 67-70, and 73-75 depend, directly or indirectly, from claim 54-56 or 58, these dependent claims are allowable for at least the same reasons. See 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of these rejections.

V. Allowable Subject Matter

Claims 41-47, 52, 53, 57, 60-66, 71, 72, and 76 stand objected to as being dependent upon a rejected base claim, but the Office Action states that these claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Office Action at ¶ 4.)

In this response, Applicant has rewritten claim 41 in independent form to include all of the limitations of the base claim, and thus claims 41-47, 52, 53, and 57 as presented herein are allowable. Accordingly, Applicant respectfully requests the withdrawal of the objections thereto.


Moreover, Applicant has traversed the Office Action's rejections of independent claim 58, as amended herein. Accordingly, Applicant respectfully asserts that claims 60-66, 71, 72, and 76, as presented herein, are allowable, and requests the withdrawal of the objections thereto.

SUMMARY

In light of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections. Applicant further submits that the application is now in condition for allowance, and earnestly solicits timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicant believes that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this as a Petition Therefor, and directs that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,



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